

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, May 19, 2014

The meeting was called to order at 1:09 p.m.

CONSENT CALENDAR

Roll Call: Commissioners Fritz, Garner, Guerrero, Labahn, Montes, Peck, Richardson, Roberts, Singh, Turner, Zarrinnam present. Commissioner Anderson absent.

Comments and Clarification regarding Board of Parole Hearings Meeting Minutes, April 15, 16 and 17, 2014: None

Public Comment on Consent Calendar: None

Commissioner ROBERTS moved to approve the consent calendar and was seconded by Commissioner TURNER. The motion carried unanimously.

REPORTS AND PRESENTATIONS

Report from the Executive Officer, presented by Sandra Maciel, Chief Deputy of Program Operations

MACIEL reported that Executive Officer, Jennifer SHAFFER and Commissioner Arthur ANDERSON are attending a conference in Denver, Colorado. SHAFFER will report on the conference at the June, 2014 meeting.

The annual BPH Orientation for panel attorneys is scheduled for October 6, 2014, in Sacramento (northern California) and October 13, 2014, in Diamond Bar (southern California).

Report from Chief Counsel, Howard Moseley

MOSELEY reported on draft regulations developed by the legal division in compliance with the court's order in *In re Butler* affecting the timing of base term and adjusted base term calculations. He provided the Board and the public copies of the draft regulations and invited feedback from all interested parties. He also reviewed key terms used in the draft regulations. MOSELEY emphasized that the draft regulations do not change the legal framework for determining suitability for parole or setting a parole release date. He estimated that the draft regulations will be presented to the full Board for a vote in one to three months time.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL reported that new recording equipment will be installed at all institutions and that the commissioners and deputy commissioners will be trained on its operation. In addition, every institution has now successfully transmitted an audio recording of a parole hearing to the Board

utilizing new digital transfer technology. This shift in practice should improve the accuracy of audio recording transfers from the institutions to the Board.

Christine BUFFLEBEN, Parole Agent II, gave a presentation regarding changes to the LSTS database that will be implemented in the very near future. In short, the LSTS database has been linked to the SOMS database, which will allow the LSTS database to serve as a portal to the SOMS database which contains more comprehensive offense information. Other changes include easier access to information regarding inmate sentencing, life term start dates, youth offender status, petitions to advance, and institutional movement.

Commissioner Ali ZARRINAM asked if it would be possible to create a link to the most recent comprehensive risk assessment. BUFFLEBEN stated that a link could be created as part of a future update.

DISCUSSION ITEMS

Draft Administrative Directive 2014-01, Audio and Video Conferencing at Parole Suitability Hearings, presented by Chief Counsel, Howard Moseley

MOSELEY stated that feedback from various stakeholders resulted in positive changes to the draft directive. For instance, page two of the directive now makes clear that if a registered victim changes their mind and wishes to appear in person instead of waving that right and attending via audio or video conferencing, they may do so provided adequate notice is provided to the Board so the necessary arrangements can be made. The directive also clarifies that victim impact statements may be submitted anytime up to and including at the hearing (in other words, the so-called ten-day rule for submission of written materials to the Board does not apply to victim impact statements).

MOSELEY also briefed the commissioners on the contents of an e-mail received from Christine WARD, Crime Victims Action Alliance, who was unable to attend the meeting indicating her opposition to any language in the directive that would require victims waive their right to appear in person in order to attend via audio or video conferencing.

Public Comments on Draft Administrative Directive 2014-01

Vanessa NELSON-SLOANE, Life Support Alliance, expressed concern that the Board would be unable to prevent the distribution of audio or video recordings of the parole hearings on the internet given the difficulty of preventing unauthorized recordings of those hearings by individuals attending via audio or video conferencing.

Commissioner ROBERTS moved to adopt Administrative Directive 2014-01. Commissioner TURNER seconded the motion, which was carried unanimously.

PUBLIC COMMENTS

Susan BURTON, Executive Director, New Way of Life, updated the Board on the progress of those former life-term inmates who have been released on parole and participated in her program.

Dale CLEMENTS, Nannie WILKERSON and Tiffany JOHNSON, former life-term inmates and participants in the New Way of Life program, described their progress on parole.

Cleveland BAKER, former life-term inmate, expressed concern with the lack of transitional housing facilities.

Vanessa NELSON-SLOANE, Life Support Alliance, stated that inmates have experienced difficulties ensuring that relevant documents are included in their central file prior to their parole hearings. She requested that commissioners exercise their discretion and accept more than 20 pages of documents if submitted by an inmate at the hearing. NELSON-SLOANE stated that Life Support Alliance is hosting a seminar on Saturday and invited commissioners and members of the public to attend.

Gail BROWNE, Life Support Alliance, stated that there have been many instances where documents have disappeared from inmates' central files. She requested that commissioners take this into account if inmates submit additional documents at the hearing.

Meeting recessed at 1.55 p.m., to reconvene at 10.00 a.m., May 20, 2014

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, May 20, 2014

The meeting was called to order at 10:09 a.m.

Roll Call: Commissioners Fritz, Garner, Guerrero, Labahn, Montes, Peck, Richardson, Roberts, Singh, Turner, Zarrinnam present. Commissioner Anderson Absent.

EN BANC REFERRALS

Referrals pursuant to Penal Code section 1170(e) to determine eligibility for resentencing or recall of sentence by sentencing court:

A. BOWIE, MICHAEL P-89470

Julian PIERSON, inmate's brother, supported a recall of sentence.

B. CHAPLIN, MARVIN E-20848

No speakers.

C. HANSEN, ERNEST G-20021

Philip KASSEL, inmate's attorney, supported a recall of sentence.

Referrals by the Chief Counsel, pursuant to California Code of Regulations, title 15, section 2042:

D. ALVARES, CARLOS K-42144

Katey GILBERT, inmate's attorney, supported a rehearing.

E. DORSEY, THOMAS D-65941

No speakers.

F. HOUSTON, VAN K-04714

No speakers.

G. HYMES, LANZESTER D-94875

No speakers.

H. JEFFERSON, ANTHONY J-58635

No speakers.

I. LIANG, HUO T-25268

No speakers.

J. LY, LUO T-25079

No speakers.

K. SANCHEZ, JAMES H-38648

No speakers.

L. SPATZ, JAMES D-19137

Marc NORTON, inmate's attorney, opposed a rehearing.

Phyllis SHESS supported a rehearing.

Referral by the Governor, pursuant to Penal Code section 3041.1:

M. CHIAMULON, RICHARD V-48226

Tom WENKE, Los Angeles County District Attorney's Office, supported reversal of the panel's proposed decision.

N. GALLEGOS, RAMON C-82553

Phyllis SHESS supported reversal of the panel's proposed decision.

Christine WARD, Crime Victims Action Alliance, read a letter from the victim supporting reversal of the panel's proposed decision.

O. LOSE, PHILLIP

E-52617

Alexis DE LA GARZA, Los Angeles County District Attorney's Office, supported reversal of the panel's proposed decision.

Referral by a panel member, pursuant to Penal Code section 3041(a), to request review of a parole decision:

P. GLASPER, ABRAHAM

E-04111

Andrew MURRAY, inmate's attorney, supported a rehearing.

Evelyn GLASPER, inmate's mother, Jennifer JACKSON, inmate's friend, Jeanette PATE, inmate's friend, Jason DAVISON, inmate's brother, and Anderson HILL, inmate's uncle, all supported a rehearing.

James WADE, San Mateo County District Attorney's Office, opposed a rehearing.

Jesse MENDEZ, partner of the victim's mother, Cierra CROWELL, victim's sister, and Joseph CROWELL, victim's brother, all opposed a rehearing.

Jill KLINGE, Alameda County District Attorney's Office, read a letter from Karen NOLAN, victim's mother, opposing a rehearing.

Q. OLIVAREZ, RAYMOND

H-15412

No speakers.

Referral, pursuant to Penal Code section 3041.1, following a tie vote:

R. HUNTER, EDDIE

E-40058

Public comment prohibited by statute.

S. MCINTOSH, CLARA

W-26630

Public comment prohibited by statute.

OPEN COMMENTS

Christine WARD, Crime Victims Action Alliance, expressed concern that victims are not fully informed of the reasons that parole decisions may be modified or referred en banc. WARD recommended that the Board provide victims with greater transparency.

Jill KLINGE, Alameda County District Attorney's Office, stated that district attorney offices have experienced difficulties preparing for hearings scheduled pursuant to a petition to advance or administrative review because some institutions have refused to provide updated Board reports. In addition, C-Files have proven difficult to access through the ERMS database because the files are not divided into tabs by subject but often scanned as a single group instead; the poor pagination often leads to difficulty obtaining correct copies from institutional staff; and the institutions have not been cooperative in allowing the files to be viewed at the nearest institution rather than the institution where the inmate is housed. KLINGE also stated that the regulatory matrices used by the Board to calculate base terms and adjusted base terms are inadequate and perhaps should be replaced.

Vanessa NELSON-SLOANE, Life Support Alliance, stated that an increase in institutional transfers has caused serious disruptions in the successful programming of life-term inmates and that many institutions do not provide sufficient programs to lifers, instead giving priority to determinately-sentenced inmates. NELSON-SLOANE also expressed the view that the Long-Term Offender Program is inadequate.

Meeting adjourned at 11.40 a.m.

Board of Parole Hearings

Scheduled and Backlog Hearings Report

Penal Code section 3041(d)

June, 2014

